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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES DALE MOSELEY,

12 Plaintiff,

13 v.

14 DEPARTMENT OF SOCIAL AND
15 HEALTH SERVICES, et al.,

16 Defendants.

17 CASE NO. 3:17-cv-05427-BHS-JRC

18 ORDER GRANTING AGREED
19 STAY

20 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
21 Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local
22 Magistrate Judge Rules MJR1, MJR3 and MJR4.

23 Plaintiff James Dale Moseley, proceeding *pro se* and *in forma pauperis*, filed this action
24 on June 2, 2017. Dkt. 1. After plaintiff's amended complaint was served on defendants, Dkts. 10,
1 plaintiff retained counsel, Dkt. 24, and plaintiff's counsel requested leave to file another
2 amended complaint, Dkt. 25. The Court granted plaintiff's request on November 21, 2017 and
3 docketed plaintiff's proposed amended complaint. Dkt. 28.

1 On March 13, 2018, the Court entered an order to show cause, noting that the parties had
2 made no additional filings since plaintiff's counsel filed the amended complaint and directing the
3 parties to explain why the Court should not recommend dismissal of the case. Dkt. 32. Both
4 parties filed responses, indicating they were experiencing difficulties ensuring all defendants had
5 been properly served and so defendants' counsel had not yet filed a response to plaintiff's
6 amended complaint, and plaintiff had not yet moved for default judgment. Dkts. 33, 34.
7 Defendants subsequently filed an answer to plaintiff's amended complaint, Dkt. 39, and the
8 Court entered a pretrial scheduling order on May 18, 2018, Dkt. 40.

9 Defendants have now filed an agreed motion to stay discovery and trial date. Dkt. 48.
10 They note that plaintiff has been suffering from "substantial decompensation due to his mental
11 illness," plaintiff's counsel has been unable to have visitation with plaintiff because of this
12 decompensation, and plaintiff cannot currently be deposed or otherwise participate in the
13 discovery process. *Id.* Defendants therefore ask that the case be stayed until such a time as
14 plaintiff can again meaningfully engage in litigation. *Id.* Defendants also note that plaintiff's
15 counsel "is amenable to providing the Court with status updates every 90 days or as otherwise
16 directed by the Court." *Id.*, p. 2.

17 Therefore, it is ORDERED:

- 18 1) This case is stayed until December 14, 2018, or until plaintiff's conditions has
improved such that he is capable of meaningfully engaging in litigation.
- 20 2) Plaintiff's counsel shall file a status report and, if necessary, a motion to extend the
stay on or before November 30, 2018 – fourteen days before the stay ends. Plaintiff's
counsel's report shall inform the Court whether plaintiff's mental state has improved
22 or deteriorated, and, if plaintiff's mental health has improved, when it is likely that
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his mental health will improve to a point where he is once again capable of engaging in litigation.

- 3) Should plaintiff's mental health improve sufficiently before December 14, 2018, plaintiff's counsel is directed to inform the Court and file a motion to lift the stay.
 - 4) The Clerk is directed to note the November 30, 2018 due date on the Court's calendar.

Dated this 11th day of September, 2018.

J. K. Ward (matua)
J. K. Ward & Sons

J. Richard Creatura
United States Magistrate Judge